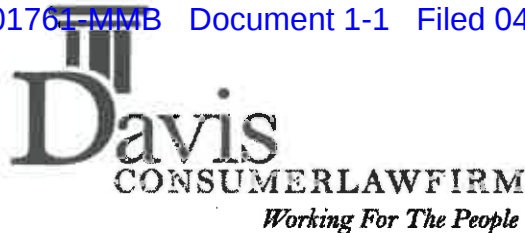


EXHIBIT

A



19783761

Debt Defense, Unfair Debt Collection, Lemon Law, Defective Consumer Products
WWW.USACREDITLAWYER.COM; TOLL-FREE: 1-855-432-8475; EMAIL: fdavis@usacreditlawyer.com
CORPORATE HEADQUARTERS: 500 OFFICE CTR DR-SUITE 400-FT. WASHINGTON, PA 19034
***Board Certified by the New Jersey Supreme Court as a Civil Trial attorney
**Awarded "Rising Star" by Pennsylvania Superlawyer Magazine

March 22, 2016

Sent by Certified Mail

CAVALRY SPV I, LLC
500 Summit Lake Dr-Ste 400
Valhalla, NY
10595

RE: Madeline Klimowich v Cavalry SPV I, LLC

RECEIVED
MAR 24 2016
CAVALRY-NY

Dear Sir/Madam:

Please accept the enclosed Complaint in accordance with Pennsylvania Rule of Civil Procedure 403. Please be advised also that a responsive pleading is due within twenty days of receipt. Please contact me if you would like to discuss a resolution. Please also refrain from ANY contact with Mrs. Klimowich or any third-parties regarding this or any other alleged debts and instead communicate exclusively through my office. Please ensure also that Mrs. Klimowich's credit reports are updated to reflect the fact that this debt is disputed and correct it to mark the proper dates of alleged default and last date of account activity. I can be reached by email or phone at the numbers listed above, thanks in advance for your cooperation.

Very Truly Yours,


Fred Davis, Esq.

Enclosure

Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

E-Filed Number: 1603053492

PLAINTIFF'S NAME
MADELINE KLIMOWICH

DEFENDANT'S NAME
CAVALRY SPV I, LLC

PLAINTIFF'S ADDRESS
4040 BLEIGH AVE PHILA
PHILA PA 19136

DEFENDANT'S ADDRESS
500 SUMMIT LAKE DR-STE 400
VALHALLA NY 10595

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

1

COMMENCEMENT OF ACTION

☒ Complaint

☐ Petition Action

☐ Notice of Appeal

☐ Writ of Summons

☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

☒ \$50,000.00 or less

☐ More than \$50,000.00

COURT PROGRAMS

☒ Arbitration

☐ Jury

☐ Non-Jury

☐ Other:

☐ Mass Tort

☐ Savings Action

☐ Petition

☐ Commerce

☐ Minor Court Appeal

☐ Statutory Appeals

☐ Settlement

☐ Minors

☐ W/D/Survival

CASE TYPE AND CODE

10 - CONTRACTS OTHER

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

IS CASE SUBJECT TO
COORDINATION ORDER?

YES

NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: MADELINE KLIMOWICH

Papers may be served at the address set forth below.

NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY

FRED E. DAVIS

ADDRESS

500 OFFICE CTR DR
SUITE 400
FT. WASHINGTON PA 19034

PHONE NUMBER

(855) 432-8475

FAX NUMBER

(855) 435-9294

SUPREME COURT IDENTIFICATION NO.

93907

E-MAIL ADDRESS

freddavis04@aol.com

SIGNATURE OF FILING ATTORNEY OR PARTY

FRED DAVIS

DATE SUBMITTED

Monday, March 21, 2016, 09:31 pm

Fred Davis, Esquire
Identification No. 93907
DAVIS CONSUMER LAW FIRM
500 OFFICE CTR DR-STE 400
FT. WASHINGTON, PA 19034
(T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER.
ASSESSMENT OF DAMAGES
HEARING IS REQUESTED.

MADELINE KLIMOWICH
4040 Bleigh Ave.
Phila, PA
19136

Plaintiff

v.

CAVALRY SPV I, LLC
500 Summit Lake Dr-Ste 400
Valhalla, NY
10595

Defendant

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

DOCKET NO.:

NOTICE TO DEFEND
CODE: 1900

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA COUNTY BAR ASSOCIATION-LAWYER REFERRAL& INFO
SERVICE**

**Philadelphia Bar Association
1101 Market Street, 11th Floor
Phila, PA 19107
Phone: (215) 238-6300
Fax: (215) 238-1159**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas an las paginas signientes, usted tiene veinte (20) dias de plazo al partir de ia fecha de la demanda y ia notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, le corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u ostromos derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE
ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO.
VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA
DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE
PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**SERVICIO DE REFERENCIA LEGAL
Colegio de Abogados de Philadelphia
1101 Market Street, 11th Floor
Phila, PA 19107
Phone: (215) 238-6300
Fax: (215) 238-1159**

Fred Davis, Esquire
Identification No. 93907
DAVIS CONSUMER LAW FIRM
500 OFFICE CTR DR-STE 400
FT. WASHINGTON, PA 19034
(T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER.
ASSESSMENT OF DAMAGES HEARING IS
REQUESTED.

MADELINE KLIMOWICH
4040 Bleigh Ave.
Phila, PA
19136

Plaintiff

v.

CAVALRY SPV I, LLC
500 Summit Lake Dr-Ste 400
Valhalla, NY
10595

Defendant

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

CIVIL ACTION

COMPLAINT

1. Plaintiff, MADELINE KLIMOWICH, is an adult individual citizen and legal resident of the State of Pennsylvania, living at 4040 Bleigh Ave., Phila, Pa 19136.

2. Defendant, CAVALRY SPV I, LLC, is a business corporation qualified to and regularly conducting business in, the Commonwealth of Pennsylvania, with its legal residence and principal place of business at 500 Summit Lake Dr-Ste 400, Valhalla, NY, 10595. Defendant can be served at that address.

3. Plaintiff avers that at all times material hereto, Defendant acted by and through its authorized agents, servants, officers, and/or employees, including

Defendant, all of whom were acting within the scope of their employment.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction”.

5. Defendant regularly conducts business in the State of Pennsylvania and in the County of Philadelphia, therefore, personal jurisdiction is established.

6. Venue is proper in Philadelphia County pursuant to Pennsylvania Rules of Civil Procedure 1006 and 2179.

7. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

8. Plaintiff is a natural person residing in Phila, PA.

9. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3), as the debt alleged to have been incurred is comprised of purchases of household goods and services.

10. Defendant, CAVALRY SPV I, LLC, is a company handling debt collection matters with headquarters located at 500 Summit Lake Dr-Ste 400, Valhalla, NY, 10595. Defendant identifies as a “debt collector” in correspondence and marketing materials, court filings, and its core business consists primarily of collecting consumer related debts from individuals.

12. Defendant is a debt collector as that term is defined by 15 U.S.C.

§1692a(6), and sought to collect a consumer debt from Plaintiff.

13. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

14. On or about March 2, 2016, Defendant sent Plaintiff a letter which also sought to collect a debt allegedly issued by “CITIBANK, N.A.” with the last four digits of the account number ending in “0356” and for which the alleged “outstanding balance” was \$727.99. *See Exhibit “A”*.

15. Defendant claimed that “Cavalry SPV I, LLC purchased” the account in question, but simultaneously demanded that payment be made to “Cavalry Portfolio Services, LLC”. *Id.*

16. Plaintiff alleges and avers that Defendant violated 15 U.S.C. §1692(c)(a)(1) and (d), by making or being caused to be made repeated and continuous phone calls to Plaintiff and unrelated third-parties attempting to collect the alleged “debt” at irregular times, and by failing to identify itself during said calls.

17. Plaintiff alleges and avers that Defendant violated 15 U.S.C. §1692(e), by reporting false credit information about Plaintiff via omission, by failing to notify the relevant credit bureaus of the actual amount of the alleged debt, sans illegal interest and fees imposed by Defendant, and by failing to report the correct dates of default, last payment, etc.

18. Plaintiff alleges and avers that Defendant violated 15 U.S.C. §1692(f), by seeking to collect an amount not authorized by law or contract, because a

significant amount of the alleged debt is comprised of unlawful interest, fees and costs.

19. Plaintiff alleges and avers that Defendant further misrepresented the nature and legal status of the alleged debt, and violated 15 U.S.C. §1692(e), because the absence of actual proof of any assignment of the alleged account from CITIBANK, N.A. to Defendant demonstrates that there is no legal basis for Defendant to collect the alleged debt.

20. Plaintiff alleges and avers that Defendant violated 15 U.S.C. §1692(f), by seeking to collect an amount not authorized by law or contract, because Defendant has no legal standing to collect any alleged debt from Plaintiff.

21. Plaintiff alleges and avers that Defendant misrepresented the legal status of the alleged debt, by failing to inform Plaintiff that any payment or written acknowledgement of the alleged debt would re-start the statute of limitations and thereby renew her exposure to civil litigation. *See Exhibit "A"*. Plaintiff alleges and avers this is in violation of violated 15 U.S.C. §1692(e).

22. Plaintiff alleges and avers that Defendant's use of "Cavalry Portfolio Services" and "Cavalry SPV I, LLC" is an attempt to confuse and mislead Plaintiff, and constitutes an improper use of misleading language, and is in violation of 15 U.S.C. §§1692(e) and (f).

COUNT I
THE FAIR DEBT COLLECTION PRACTICES ACT
AS TO BOTH DEFENDANT

23. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

a. Harassing, oppressing or abusing Plaintiff in connection with the collection of a debt in violation of 15 U.S.C. § 1692(d).

- b. Using misrepresentations or deceptive means to collect a debt in violation of 15 U.S.C. § 1692(e)(10).
- c. Using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. § 1692(f).
- d. Attempting to collect an amount not authorized by contract or law in violation of 15 U.S.C. § 1692(f).
- e. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, MADELINE KLIMOWICH, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692(k)(a)(1);
 - b. Statutory damages of \$1,000.00 for the aforementioned violation(s) of the FDCPA pursuant to 15 U.S.C. § 1692(k)(a)(2)(A);
 - c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693(k)(a)(3); and
- Any other relief deemed appropriate by this Honorable Court.

COUNT II
PENNSYLVANIA UNFAIR TRADE AND CONSUMER PROTECTION LAW
AS TO BOTH DEFENDANT

- 24. Plaintiff hereby incorporates all facts and allegations set forth in this Complaint by reference as if fully set forth at length herein.
- 25. Plaintiff is a "Person" as defined by 73 P.S. § 201-2(2). Plaintiff is a "Person" as defined by 73 P.S. § 201-2(2). Section 201-9.2(a) of the Act authorizes a private cause of action for any person "who purchases or leases goods or services

primarily for personal, family or household purposes."

26. Defendant is a "Person(s)" as defined by 73 P.S. §201-2(2).

27. Defendant is a "Person(s)" as defined by 73 P.S. §201-2(2), who regularly engage in "trade or commerce" in the State of Pennsylvania and the County of Philadelphia, and are thus amenable to jurisdiction and claims by Philadelphia/Pennsylvania "persons" under the Act.

28. In addition, the Pennsylvania Unfair Trade Practices and Consumer Protection Act, 73 P.S. §201-2(4), defines "unfair or deceptive acts or practices" to include the following conduct:

(ii). Causing likelihood of confusion or misunderstanding as to source, sponsorship, approval or certification of goods or services;

(xvii). Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

29. Defendant's conduct surrounding its attempt to collect the alleged debt falls within the aforementioned definitions of "fraudulent and/or unfair or deceptive acts or practices", by trying to collect an alleged debt which Defendant knew was illegitimate, comprised of ambiguous and unlawful interest charges.

30. Plaintiff avers that Defendant has violated these as well as other provisions, of the UFTPA, 73 P.S. §201-2 *et seq*, and Plaintiff has suffered damages as aforesaid and hereby demand the full measure of their recovery pursuant to the claims asserted under UFTPA, and brings this action to recover same.

31. Such damages, "actual damages", include but are not limited to; the diminution in value of Plaintiff's credit rating and/or statutory damages of \$100.00,

plus all collateral charges; consequential damages; incidental damages; attorney fees and costs, as well as other expenses. The Act authorizes the Court to award up to three (3) times the actual damages sustained for violations. Plaintiff seeks these enhanced treble damages from Defendant.

DAVIS CONSUMER LAW FIRM

By: /s/ _____
Fred Davis-PA ID# 93907
Attorney for Plaintiff, MADELINE KLIMOWICH
500 Office Center Drive-Suite 400
Ft. Washington, PA 19034
Tel – 1-855-432-8475/Facsimile-1-855-435-9294
Email: fdavis@usacreditlawyer.com

VERIFICATION

Fred Davis, states that he is the attorney for the Plaintiff herein; that he is acquainted with the facts set forth in the foregoing Complaint; that same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the Penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.

DAVIS CONSUMER LAW FIRM

By: /s/
Fred Davis-PA ID# 93907
Attorney for Plaintiff, MADELINE KLIMOWICH
500 Office Center Drive-Suite 400
Ft. Washington, PA 19034
Tel – 1-855-432-8475/Facsimile-1-855-435-9294
Email: fdavis@usacreditlawyer.com



PO Box 520
Valhalla, NY 10595

Phone: (866) 434-2995 • FAX: (914) 747-3673

www.cavps.com



March 2, 2016

RE: Original Institution:
Original Account No.:
Cavalry Account No.:
Outstanding Balance:

Citibank, N.A.
5424181022660356
19783761
\$727.99



Madeline A Klimowich
4040 Bleigh Ave Apt 4m
Philadelphia, PA 19136-3911

Dear Madeline A Klimowich:

Cavalry SPV I, LLC purchased the Citibank, N.A. account listed above and is now the creditor for the account. Cavalry SPV I, LLC has referred the account to Cavalry Portfolio Services, LLC ("Cavalry") for servicing.

Cavalry is committed to providing you with excellent customer service, which includes treating you in a fair and respectful manner. If at any time you feel that you have not been provided with excellent customer service, please call us at (888) 716-0010.

We understand that all of the account balance may not be repaid at this time. If some of the bill can be repaid, even if it is through a monthly payment plan, we would like to hear from you. We work with our customers to find affordable repayment arrangements. Please call us at (888) 716-0010 to discuss your repayment options.

Unless you notify Cavalry within thirty days after receiving this letter that you dispute the validity of this debt or any portion thereof, Cavalry will assume this debt is valid. If you notify Cavalry in writing within thirty days from receiving this notice that you dispute the validity of this debt or any portion thereof, Cavalry will obtain verification of the debt or a copy of a judgment, if applicable, and mail you a copy of such verification or judgment. If you request it from Cavalry in writing within thirty days after receiving this notice, Cavalry will provide you with the name and address of the original creditor, if different from the current creditor.

If you want Cavalry to stop contacting you, you can write to us requesting that we cease contact. Please be aware that sending such a letter does not make the debt go away. Once we receive your letter, Cavalry will not contact you again except to let you know that there will not be any further contact, or that Cavalry intends to take a specific action on your account.

Sincerely,

Cavalry Portfolio Services, LLC

We may report information about your account to credit reporting agencies.

"A"
192

PAYMENT COUPON

Madeline A Klimowich
4040 Bleigh Ave Apt 4m
Philadelphia, PA 19136-3911



Please detach and return this portion with the payment to the address below.

Make Checks and Money Orders Payable to
Cavalry Portfolio Services, LLC.

If you would like to make a payment via our secure website, please visit us at www.cavps.com



Cavalry Portfolio Services, LLC

PO Box 27288

Tempe, AZ 85285-7288

Original Institution:
Original Account No.:
Cavalry Account No.:
Outstanding Balance:

Citibank, N.A.
5424181022660356
19783761
\$727.99

"A"
212

HELLO_LTR
CVN.wfd
620146
00013349
1 of 1



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www.usacreditlawyer.com

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*Amended
March 31/2016*

RETURN RECEIPT
REQUESTED

RECEIVED

MAR 24 2016

CAVALTRY-NY



7014 2870 0001 1176 0982



1000



10595

U.S. POSTAGE
PAID
HONOLULU, HI
MAR 22, 16
AMOUNT
\$7.67

00100027-05

Cavalry SPV I, LLC

506 Summit Lake Dr Ste 400

Valhalla, NY

10595